

Legislative Members

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Sen. Beverly Gard
Rep. Dale Sturtz
Rep. David Wolkins

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Kerry Michael Manders
Alice Schloss

Advisory Members

Julie Newland
John Blair
Doug Pond
Tom Neltner

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IDEM AND PUBLIC HEALTH SUBCOMMITTEE OF THE ENVIRONMENTAL QUALITY SERVICE COUNCIL

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MEETING MINUTES¹

Meeting Date: August 5, 1999
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 223
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Vi Simpson, Chairperson; Sen. Beverly Gard; Julie Newland; Kerry Michael Manders

Members Absent: Rep. David Wolkins; Rep. Dale Sturtz; Michael Carnahan; John Blair; Doug Pond.

Sen Simpson, the Chairperson of the EQSC IDEM and Public Health Subcommittee, called the meeting to order at 10:06 a.m.

After brief opening remarks, Sen. Simpson commenced the study of the subject raised in 1999 House Concurrent Resolution 14: the possible connection between environmental contaminants and the incidence of certain diseases in urban areas. She introduced Dr. Richard Feldman, Commissioner of the Indiana Department of Health, who addressed the Subcommittee on environmental pollution and public health.²

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

²The full text of Dr. Feldman's testimony is on file in the Legislative Information Center.

Dr. Feldman and Howard Cundiff, Director of the Consumer Protection Division of the Department of Health, made the following points in response to questions from the Subcommittee:

- The Environmental Health Database, in which Senators Gard and Simpson showed interest, was used primarily for the Health Department's lead abatement program. The Department developed GIS mapping that could be applied to other areas.
- The percentage of Indiana households on septic systems is increasing while funding for sewers is decreasing.
- IDEM and the Department of Health work in cooperation when monitoring and enforcing regulations on water treatment and septic systems. IDEM and the Department of Health work well together.
- The Department of Health is trying to promote cluster-based septic systems and the use of new, proven technology in septic system design.
- There is a strong relationship between the incidence of childhood asthma and household smoking.

Comments from Subcommittee members in response to Dr. Feldman's testimony included the following:

- There must be a responsive relationship between local health departments and IDEM, ensuring timely notifications to at-risk communities if there is effluent discharge.
- Smoking in all day care areas must be segregated away from the children.
- There is no collection of data to capture a relationship between parental smoking and childhood asthma.

Senator Simpson made a brief statement emphasizing the need for the collection and compilation of additional data in the determination of environmentally-caused disease. Senator Gard agreed.

Representative Charlie Brown made a brief statement supporting the collection of statewide data to determine whether there is a relationship between the incidence of disease and environmental contaminants.

Tim Method, IDEM Deputy Commissioner for Environmental Results, spoke about IDEM's lead-based paint abatement program, making the following points:

- This year IDEM began a licensing program for individuals involved in lead-based paint abatement. This program is patterned after the asbestos program. It is designed to ensure that those who perform lead-based abatement are skilled enough to protect occupants' health.
- There is a growing number of programs involved in lead-based paint abatement, but so far there is little demand for the licenses.
- IDEM is coordinating statewide efforts with the Department of Health to provide education and service for individuals concerned about lead-based paint in their homes. The Department of Health performs screening and IDEM coordinates abatement.

Comments from the Subcommittee regarding IDEM's lead-based paint abatement program included the following:

- The statute requiring the lead-based paint abatement program is too narrow. It requires only state or federally-funded programs to use a contractor licensed to abate lead-based paint. There is no regulation encouraging private parties to use a licensed abatement contractor.
- The Marion County Health Department has a strong lead-based paint abatement program.

- Tenants are apprehensive of government involvement in their homes. Programs must be implemented to overcome the fear of unknown costs and consequences resulting from positive tests for lead-based paint.

Discussion among Subcommittee members turned to a subject raised in 1999 Senate Enrolled Act 343: **the issuance of National Pollution Discharge Elimination (NPDES) permits that include alternate water quality-based effluent limits based on receiving water flows associated with wet weather conditions.** IDEM spokespersons made the following points:

- IDEM is working with municipalities to discuss the best ways to improve discharge information available to public, including the use of direct phone banks and media advisories.
- IDEM is working with NPDES permit holders to allow flexibility and ensure timely notification.

Comments from Subcommittee members regarding alternative limits based on wet weather conditions included the following:

- There should be a timely notification requirement of municipalities as part of the permit process.
- There is a clear “trigger gap” that does not alert people to the problem of wet weather discharge.

LaKenya Johnson of the Department of Environmental Management made a presentation on environmental justice. She made the following points:

- There is concern that urban areas bear an inequitable environmental burden.
- The concept of environmental justice includes the fair treatment and meaningful involvement in rule making of various minority populations and communities throughout the state.
- IDEM applied for a two-year, \$100,000 federal grant that will require an in-kind state contribution of \$40,000. If awarded this grant, IDEM will use the grant money to: 1) work with communities to ensure environmental regulations adhere to Title 6 of the Civil Rights Act; 2) bring stakeholders together to develop a strategic plan and create an advisory committee; 3) determine demographic target areas; 4) develop a presentation module for communities; and 5) serve as a clearing house for environmental justice information.

Comments from Subcommittee members concerning the IDEM environmental justice presentation included the following: IDEM should ensure that determinations for demographic target areas are equitably chosen and requirements should not be overly restrictive.

Tom Neltner, Executive Director of Improving Kids Environment, gave a presentation on his ideas regarding the environment and public health.³ He stressed the need of the State to pursue a right-to-know approach that emphasizes parental access to information.

Senator Simpson opened the floor to discussion. Kerry Manders commented that it is imperative for municipalities to provide information to schools regarding wastewater overflows.

Julie Newland of Eli Lilly and Company emphasized the need for a State statute regarding licensed lead-based paint abatement, closing the loophole in federal law that allows individuals and landlords to use unlicensed contractors to abate lead-paint.

Mary Maultsby of the Indianapolis Urban League remarked that she is supportive of the Subcommittee’s environmental justice efforts.

³A written version of Mr. Neltner’s remarks is available at the Legislative Information Center.

Glenn Pratt expressed concerned about the IDEM staff's ability to evaluate data. He said that there are many problems that need to be addressed and the State needs a comprehensive, rational strategy to solve these problems.

Senators Simpson and Gard reiterated their interest in the Environmental Health database and gathering additional data. They said that they would like the Department of Health's database manager to further address the capabilities of the Department of Health's Environmental Health database at a future IDEM and Public Health Subcommittee meeting.

Julie Newland requested that Virginia Kane from Marion County attend the next IDEM and Public Health Subcommittee meeting to discuss Marion County's lead-based paint abatement program. Sen. Simpson agreed.

Sen. Simpson adjourned the meeting at 11:50 a.m. Due to the need to consult with prospective speakers from the EPA on a mutually convenient date, the Subcommittee temporarily deferred setting a date for its next meeting.